

EXHIBIT “B”

Part 3 of 7

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 any of the lawyers who are
2 representing any of the defendants in
3 this case?

4 A. I don't believe so. I'm
5 not sure I know all the lawyers that
6 are representing the other side.

7 Q. Have you ever worked with
8 Rich Biedryzski?

9 A. The name doesn't sound
10 familiar, no.

11 Q. Jeff Pettit?

12 A. Jeff Pettit is on --

13 Q. Other than this case, have
14 you worked with him in the past?

15 A. Oh. I don't believe so,
16 no.

17 Q. Melissa Flax? I'm just
18 going through the names because you
19 said you didn't know all the names.

20 A. Right. Not before this
21 case, no.

22 Q. Tom Sabino?

23 A. Again, same answer.

24 Q. Ed Fackenthal?



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 A. Same answer.

2 Q. Lynn Wright?

3 A. I have worked with Lynn
4 Wright before but not in an expert
5 capacity.

6 Q. And Andy Foster?

7 A. Not prior to this case.

8 Q. And what was the nature of
9 your previous work with Lynn Wright?

10 A. Lynn and I have served on
11 the same Superfund site committee at
12 a site in Old Bridge, New Jersey.
13 For me, it was since 1992, and I
14 believe that Lynn was involved back
15 then and maybe even prior to that
16 time on that site.

17 MS. WRIGHT: It's my
18 retirement package.

19 THE WITNESS: Lynn and I
20 also were involved in another site,
21 Superfund site prior to the Old
22 Bridge site, the one in Winslow
23 Township, and my involvement with
24 that site goes back to 1988. And I



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 don't think Lynn will acknowledge
2 whether she was involved back then or
3 not.

4 BY MS. TROJECKI:

5 Q. There's an e-mail in the
6 documents that were provided to me by
7 the defendant's counsel that's from
8 you that states that you did former
9 work at American Cyanamid's Bound
10 Brook facility?

11 A. Yes.

12 Q. What was the nature of that
13 work?

14 A. American Cyanamid was a
15 significant client for BBL until
16 American Home Products purchased
17 American Cyanamid, I think, in 1994
18 or '95.

19 So for the first couple
20 years of my tenure at BBL, I
21 consulted on groundwater issues for
22 the project manager on a number of
23 American Cyanamid sites, including
24 Bound Brook.



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 Q. Could you describe for me
2 further what kind of groundwater
3 issues or what specifically you did
4 at the Bound Brook facility?

5 A. It was probably -- it's
6 going back some years, but it was
7 probably related to conducting
8 groundwater investigations;
9 installation of wells, or overseeing
10 the installation of wells, and
11 looking at groundwater flow data,
12 that sort of thing.

13 Q. So you were investigating
14 contamination issues on the Bound
15 Brook facility site; is that correct?

16 A. That's correct.

17 Q. And did that cause you to
18 have to or to look into the processes
19 at the Bound Brook facility?

20 A. It did not. There were
21 other people at BBL that were
22 involved in the engineering design of
23 on-site impoundments and that sort of
24 thing. I was not involved in that.



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 I should say the remediation of
2 onsite impoundments, not the design
3 of the impoundments itself.

4 Q. Was the American Cyanamid
5 site contaminated, the Bound Brook
6 facility site?

7 A. That's a broad question. I
8 prefer not to answer it in that form.

9 Q. Okay, then how do you
10 suggest answering it?

11 A. There was contamination at
12 the American Cyanamid facility that
13 the government was requiring us to
14 investigate and remediate.

15 Q. Did your job involve
16 determining the source of this
17 contamination?

18 A. It did not.

19 Q. Other than investigating
20 the contamination, did you have any
21 other role in any sort of work that
22 was at the Bound Brook facility?

23 A. Not to my knowledge, no.
24 No, I was really primarily brought in



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 just to look at groundwater issues.

2 Q. How long of a period of
3 time were you involved in that
4 project?

5 A. I don't know exactly, but I
6 recall that shortly after I started
7 at BBL I was asked to take a look at
8 the facility, and if memory serves,
9 shortly after the acquisition of
10 American Cyanamid by American Home
11 Products, BBL's involvement with the
12 Bound Brook site was terminated.

13 And I believe that was in
14 the mid-1990s, so it couldn't have
15 been more than a couple of years.

16 Q. How many times would you
17 say you were at the Bound Brook
18 facility?

19 A. Two. Maybe three.

20 Q. Did you write any reports
21 on the Bound Brook facility?

22 A. I may have been involved in
23 the preparation of parts of reports,
24 but I, myself, did not write a



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 report.

2 Q. Do you recall what reports
3 you may have been involved with?

4 A. I can't recall.

5 Q. And how were you involved?

6 A. As a consulting hydrologist
7 on the project, basically looking at
8 data, determining groundwater flow
9 patterns, looking at impacted
10 groundwater and where that impacted
11 groundwater might be going. I seem
12 to recall looking at relationships
13 between groundwater and the Raritan
14 River adjacent to the site.

15 Q. Did you draft any portions
16 of reports?

17 A. I probably did draft
18 portions of reports, yes.

19 Q. Did you inspect the Bound
20 Brook facility, the manufacturing
21 processes at the Bound Brook
22 facility, at any point?

23 A. The manufacturing
24 processes, as I recall, were largely



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 discontinued by the time I got onto
2 the site, so there were no
3 manufacturing processes. There may
4 have been some, but if there were, I
5 was not aware of them. For the most
6 part that facility was closed, and it
7 was both a Superfund and a RCRA
8 corrective action site at that time.

9 Q. Did you, at any point,
10 research the historical manufacturing
11 processes as part of your former work
12 at the Bound Brook facility?

13 A. No. That would have fallen
14 way outside of the scope of work I
15 was asked to do.

16 Q. Is the information that you
17 provided in Appendix A of your report
18 up to date?

19 A. It's probably up to date as
20 of this summer.

21 Q. Are there any projects that
22 come to your mind that need to be
23 included into your CV?

24 A. Well, I update the -- I try



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 to update the CV on the website every
2 six to eight months, so I'm due for
3 an update.

4 Q. But are there any projects
5 that come to your mind sitting here
6 today that you think you need to add
7 to your CV?

8 A. There is a report that I'm
9 doing, a case that I'm involved in,
10 where we're working with Bill Howard
11 at Segal McCambridge here in
12 Philadelphia where I'm -- it's a
13 litigation, and I will be an expert
14 for Bill's client, the insurance
15 company, and a trucking company on a
16 site in -- north of Indianapolis,
17 Indiana.

18 Q. And what is the nature of
19 your work in that case?

20 A. Right now the nature of the
21 work is we're attempting to mediate a
22 settlement, so I have attended a
23 mediation session with our team and
24 their team, the opposing side's team,



James DeCrescenzo Reporting, LLC

215.564.3905

InnovatingLitigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 within the last month, and we're
2 hopeful that a settlement is
3 imminent.

4 Q. So what is your role in the
5 mediation, what are you doing for
6 them?

7 A. I'm basically the technical
8 resource for the defense team.

9 Q. And providing what kind of
10 technical expertise?

11 A. Expertise on -- this is a
12 petroleum distribution terminal that
13 has operated for 70 or 80 years.

14 So our expertise, my
15 expertise is being tapped on best
16 management practices, historical
17 operations of such facilities, the
18 characterization of soil and
19 groundwater contamination,
20 distinguishing that contamination
21 related to a particular spill event
22 from historic contamination on the
23 site, fate and transport of organic
24 constituents in soil and groundwater,



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 and the potential remediation
2 strategies.

3 Q. Going back to your first
4 involvement -- can you tell me how
5 you first got involved in the
6 Boarhead case, this case?

7 A. Lynn Wright called or
8 e-mailed, I think called, and asked
9 me if I would come up to a meeting of
10 several attorneys in New York City --
11 I believe that was in July of 2006,
12 maybe August -- and discuss a matter
13 that they might like to have me help
14 them with.

15 Q. So during that initial
16 phone call, did Lynn give you any
17 background of the case at all?

18 A. She gave me a very broad
19 overview of the case.

20 Q. What did she say?

21 A. I don't recall. I mean, it
22 was who we would be representing
23 generally, where the site was.
24 Probably not much more than that.



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 Q. So did you have -- did you
2 go to the meeting?

3 A. I went to the meeting.

4 Q. Who was at the meeting?

5 A. Since I was meeting all
6 these people for the first time, I
7 might get it wrong, but certainly
8 Lynn was there, Melissa was there and
9 two or three others, and I'm not
10 entirely certain I recall.

11 Q. Do you recall if Jeff
12 Pettit was there?

13 A. I think Jeff was there.

14 Q. Seth Cooley, the guy at the
15 end of the table?

16 A. At the time -- yes, I think
17 Seth was there. There were four or
18 five attorneys in total. And, again,
19 because of the way my mind works, if
20 I'm meeting someone new for the first
21 time and I don't have a firm grasp of
22 their name, I'm probably not going to
23 remember who I saw. I did remember
24 Lynn, though.



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 Q. And what did you talk about
2 at that initial meeting?

3 MS. WRIGHT: Objection.

4 THE WITNESS: We talked
5 about what they were looking for in a
6 potential expert, that they needed an
7 expert report fairly quickly. We
8 talked in broad terms about the scope
9 of what the assignment would be and
10 what would need to go into that
11 expert report.

12 We did discuss clearing
13 conflict of interest issues. I
14 needed to know who we would be
15 opposing and make certain that there
16 weren't any conflict concerns with
17 regards to that. So they asked me
18 questions about that with each of the
19 plaintiffs and settled defendants at
20 the time.

21 I think that's probably the
22 substance of our discussion.

23 BY MS. TROJECKI:

24 Q. And when you talked about



James DeCrescenzo Reporting, LLC

215.564.3905

InnovatingLitigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 the broad -- the scope of the
2 assignment and what would be in the
3 expert report, what were those
4 discussions?

5 A. Generally -- and, you know,
6 we had to think about what that scope
7 would be collectively over the first
8 couple weeks of the assignment, but,
9 in general terms, they wanted
10 somebody to evaluate and understand
11 the wastes that were generated by the
12 plaintiffs and settled defendants and
13 attempt to categorize and index
14 those. That was essentially it.

15 Q. And what did you speak
16 about with respect to conflicts?

17 A. I mentioned that I have a
18 friend who works at Ford Motor
19 Company and that I have done work for
20 Ford, although not involved in this
21 case, the Boarhead Farms case.

22 I also mentioned that in
23 the early years of my tenure at BBL
24 that I had done work for American



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 Cyanamid and their chemical company
2 Cytec Industries.

3 Q. Anything else?

4 A. I was not aware of any --
5 the other companies that were
6 involved didn't ring any bells to me
7 in terms of potential issues or any
8 history.

9 Q. And what was the nature of
10 the work that you did for Ford?

11 A. Well, the first project
12 that I did with Ford was on a
13 Superfund site, in fact, two
14 Superfund sites, the same ones that
15 Lynn and I are working on together,
16 and that would be the KOP site and
17 the EPLC sites, both in New Jersey,
18 where Ford was a PRP, as was
19 Carpenter Technology, Lynn's client.

20 Q. So what work did you do for
21 Ford?

22 A. For Ford directly?

23 Q. Uh-huh.

24 A. As a prime client, I didn't



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 do work directly for Ford as a prime
2 client, but they were one of my
3 clients on those two Superfund sites.

4 Q. So you worked for the --
5 take the first site, the KOP site,
6 you were working for a group of PRPs
7 on that site?

8 A. That's correct.

9 Q. Which group?

10 A. I believe they called
11 themselves the KOP site committee.

12 Q. Were they collectively
13 transporters, generators, were they
14 divided in that way?

15 A. I don't have a solid
16 recollection of what the PRP group
17 was.

18 Q. Or how they got to be a
19 committee?

20 A. Yes. There were a number
21 of those PRPs, though, that also were
22 PRPs in the EPLC site, which I'm
23 currently working on.

24 Q. Is Ford a direct client for



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 you at the EPLC site?

2 A. They are one of the PRPs at
3 the EPLC site.

4 Q. And is there a name of the
5 group that you are representing in
6 the EPLC site?

7 A. They call themselves the
8 EPLC site settled defendants or
9 settling parties. I think settling
10 parties is the term they use.

11 Q. So how is Ford involved in
12 the KOP site?

13 A. I don't know the answer to
14 that now.

15 Q. And how about in the EPLC
16 site?

17 A. They are a PRP on that
18 site.

19 Q. And what is the work you
20 are doing with respect to that site,
21 the EPLC site?

22 A. That is a Blasland, Bouck &
23 Lee, BBL client, and I am under
24 contract to BBL to continue to help



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 manage the regulatory compliance, the
2 RI/FS remedy implementation for that
3 site.

4 Q. And what's the nature of
5 your work at the KOP site, or what
6 was it?

7 A. When I left ERM and went to
8 BBL, my involvement with the KOP site
9 terminated.

10 Q. What were you doing at the
11 KOP site while you were with ERM?

12 A. I was the project manager
13 for that site.

14 Q. And what did that entail?

15 A. Overseeing the remedial
16 investigation, risk assessment,
17 engineering feasibility studies under
18 the supervision of EPA Region 2 and
19 the New Jersey DEP.

20 Q. And that was on behalf of
21 the KOP site committee?

22 A. That's correct.

23 Q. Other than categorizing the
24 plaintiffs and settled defendants'



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 wastes and indexing the wastes, to
2 use your term, did you have any other
3 idea after that initial meeting as to
4 what the scope of your work in this
5 matter was supposed to be?

6 A. We had discussed some other
7 ideas related to trying to understand
8 what wastes -- once we understood
9 what the quantity and types of wastes
10 were that were generated during the
11 period of interest, which we consider
12 to be 1979 to 1987 -- '69 to '77, I'm
13 sorry, I'm off at that game -- there
14 was interest in trying to understand
15 which of those wastes might have made
16 their way to the Boarhead Farms site.

17 Q. Anything else?

18 A. No. In broad -- in a broad
19 way those were the two major issues
20 that we talked about.

21 Q. You can turn to Page 1.1 of
22 your report under Report Objectives.

23 A. I'm sorry, page or section?

24 Q. Section. I mean Page 1-1,



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 Section 1.1. I call your attention
2 to the Report Objectives, and
3 specifically the last sentence -- or
4 actually it's all one sentence of the
5 first paragraph.

6 A. Yes, it is all one
7 sentence.

8 Q. Where the objective is "to
9 review and summarize available
10 information related to each of the 14
11 plaintiffs and settled defendants'
12 manufacturing processes along with
13 the volume, form and nature of the
14 resulting wastes generated by those
15 processes."

16 Do you see where I'm
17 referring to?

18 A. I do.

19 Q. So that doesn't sound to me
20 that the objective of this report is
21 to determine which wastes went to the
22 Boarhead Farms site; is that correct?

23 A. In general, yes, that's
24 correct.



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 Q. So does the expert report
2 that we marked as Exhibit 1 have any
3 opinion at all with respect to which
4 wastes actually were disposed of at
5 the Boarhead Farms site?

6 A. It does not.

7 Q. So determining which wastes
8 went to the Boarhead Farms site was
9 an option that you explored with
10 defense counsel as being a part of
11 your expert report but you ultimately
12 decided not to pursue. Is that fair?

13 A. That's fair. Yes, that's
14 correct.

15 (Discussion off the
16 record.)

17 BY MS. TROJECKI:

18 Q. I will show you what I will
19 have marked as Exhibit 2, an e-mail
20 from you to Lynn Wright dated August
21 9, 2006, and attached to that is a
22 Professional Services Agreement.

23 A. Uh-huh.

24 (Hochreiter Exhibit 2 was



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 marked for identification.)

2 BY MS. TROJECKI:

3 Q. First, your e-mail to Lynn
4 Wright references "yesterday's
5 meeting." Do you recall if this is
6 the e-mail that you drafted to Lynn
7 after your initial meeting in New
8 York City?

9 A. I don't have an exact
10 recollection of what date that
11 meeting was, but it would certainly
12 seem from the language in the e-mail
13 that this was prepared the day after
14 we met in New York City.

15 Q. And do you recall drafting
16 an e-mail and attaching a contract --
17 and sending a contract to Lynn the
18 day after your initial meeting with
19 her?

20 A. I remember sending --
21 drafting the contract and sending
22 this to her. I can't specifically
23 say it was the day after the meeting,
24 but in looking at this e-mail it



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 would certainly seem reasonable to
2 reach that conclusion.

3 Q. And I want to call your
4 attention to the Scope of Work that's
5 attached to SEC's proposal, and it
6 references based on an August 8th,
7 2006 meeting with Lynn Wright,
8 Melissa Flax, Seth Cooley, and Jeff
9 Pettit.

10 A. By the way, I now remember
11 who I met with.

12 Q. Okay. And that's the four
13 people that are listed under the
14 Scope of Work?

15 A. That's correct.

16 Q. And the last sentence of
17 the first paragraph of that page,
18 "SEC will prepare a draft expert
19 report of its finding --" I'm sorry,
20 wrong sentence.

21 The sentence that reads
22 "SEC will assess the available data
23 and provide an opinion regarding the
24 nature and magnitude of the



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 plaintiff's waste streams that were
2 sent to the Boarhead Farms site for
3 approval."

4 Again, this Scope of Work
5 that speaks about what wastes were
6 sent to the Boarhead Farms site was
7 not ultimately ever done, correct?

8 A. That is correct.

9 Q. Was this proposal ever
10 signed? The copy that we have marked
11 as Exhibit 2 was not signed.

12 A. It was not eventually
13 signed; however, I did receive an
14 e-mail authorization to proceed with
15 the report.

16 Q. And was there ever a
17 revised Scope of Work that was
18 prepared?

19 A. No.

20 Q. Turning back again to the
21 Scope of Work in Exhibit 2, there's a
22 sentence that reads that "SEC will
23 conduct a review of available
24 environmental data related to the



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 quantities and types of waste
2 materials that the BFAG sent to the
3 Boarhead Farms site. And this data
4 will likely consist of file
5 information on the facility that was
6 developed by the defendants."

7 Do you see that?

8 A. Yes.

9 Q. What information or what
10 file information is that referring to
11 when it says it was developed by the
12 defendants?

13 MS. WRIGHT: Objection.

14 THE WITNESS: The
15 defendants had a repository, as they
16 described to me, of information that
17 they had received in turn from the
18 plaintiffs and settled defendants.

19 I believe I was told at
20 that time that there was a repository
21 of information at your law firm's
22 office at Ballard Spahr, and that
23 information had been produced by each
24 of the plaintiffs and settled



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 defendants and had been distributed
2 to the attorneys for the defense
3 group.

4 BY MS. TROJECKI:

5 Q. And that's the information
6 that you are referring to when you
7 say that was developed by the
8 defendants?

9 A. Yes. Yes.

10 Q. Do you know why the scope
11 of the work was changed from
12 determining which wastes went to the
13 Boarhead Farms site to just
14 characterizing and quantifying the
15 plaintiffs' wastes?

16 MS. WRIGHT: Objection.

17 THE WITNESS: We had
18 discussions between myself and the
19 attorneys about what would be
20 involved in attempting to do -- to
21 address the issue of what wastes went
22 to the Boarhead Farms site, the
23 amount of effort that would be
24 involved in doing that, and the



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 difficulty associated with trying to
2 do that in a credible way.

3 BY MS. TROJECKI:

4 Q. And based on those
5 discussions you decided not to --

6 A. We decided for this expert
7 report not to pursue that path.

8 Q. What was your first step to
9 completing your task for this matter?

10 A. Receiving boxes and boxes
11 of documents.

12 Q. After receiving them, you
13 reviewed all the information in the
14 boxes; is that correct?

15 A. I and my colleague on this
16 project, Valerie Holliday, reviewed
17 all of the documents in each and all
18 of the boxes.

19 Q. And what were you reviewing
20 the documents for?

21 A. We were initially just
22 trying to get a lay of the land, what
23 is actually included, what types of
24 material exists.



James DeCrescenzo Reporting, LLC

215.564.3905

InnovatingLitigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 You know, we had 104(e)
2 response documents from some of the
3 companies, not all. We had
4 deposition transcripts, we had other
5 information from the companies
6 related to their waste generation
7 practices.

8 So we initially just had to
9 try to figure out what was in the
10 boxes and attempt to categorize it by
11 type.

12 Q. And what after that?

13 A. Then we started reviewing
14 every document that was provided to
15 us and compiling tables, making up
16 tables that summarized that
17 information.

18 Q. At what point in time was
19 the scope of the assignment changed?

20 MS. WRIGHT: Objection.

21 BY MS. TROJECKI:

22 Q. The scope of your
23 assignment changed from determining
24 which wastes went to the Boarhead



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 Farms site to not addressing that
2 issue?

3 MS. WRIGHT: Objection as
4 to form. It assumes that this is an
5 accurate scope of work that was ever
6 accurate.

7 THE WITNESS: I'm not sure
8 that the scope -- it's fair to say
9 that the scope of work changed.

10 The scope of work was
11 broadly established in the beginning,
12 and it took some time, probably
13 several weeks until, after reviewing
14 all the documents and as the expert
15 opining as to what I was comfortable
16 being able to say in the time frame
17 that we had to put the report
18 together, we collaborated and evolved
19 into a scope of work that ultimately
20 was manifest by this report.

21 MS. TROJECKI: Want to take
22 a break for lunch?

23 (Thereupon, at 12:03 p.m. a
24 luncheon recess was taken until



James DeCrescenzo Reporting, LLC

215.564.3905

InnovatingLitigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 12:56 p.m., at which time the
2 following proceedings were had:)

3 BY MS. TROJECKI:

4 Q. Before we broke for lunch,
5 we were speaking about -- we had
6 talked about a meeting that you had
7 with several defense counsels in New
8 York City to discuss the scope of
9 your report.

10 Did you have any other
11 face-to-face meetings with defense
12 counsel regarding your expert report
13 since that time?

14 A. There were, I believe, two
15 face-to-face meetings following the
16 initial meeting in New York.

17 Q. And when was the first one
18 after that initial meeting?

19 A. I don't recall. I know
20 that we started work in the beginning
21 of August and we finished the report
22 at the end of September, so the two
23 meetings were between those two
24 dates.



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 Q. And where was the second
2 meeting?

3 A. The second meeting, the
4 first one after New York, was in
5 Philadelphia.

6 Q. And what did you discuss at
7 that meeting?

8 A. We discussed our
9 observations regarding the documents
10 that we had reviewed. We shared some
11 thoughts as to where I thought we
12 could go with the expert report and
13 what we decided to ultimately do in
14 terms of how to structure the expert
15 report.

16 Q. And where was the third
17 meeting?

18 A. That was in Philadelphia
19 also.

20 Q. And what did you discuss at
21 that meeting?

22 A. We had produced the expert
23 report as a draft, and at that point
24 we were getting comments on the



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 expert report.

2 Q. And that third meeting,
3 then, was after you prepared your
4 first draft of the expert report or
5 after you --

6 A. No. We didn't have a draft
7 of the report in that second meeting.

8 Q. So there came a point in
9 time when you produced to the defense
10 counsel a draft expert report.
11 Right?

12 A. That's correct.

13 Q. Do you recall when that
14 was?

15 A. It was in September, and I
16 think it was towards the end of
17 September, but I couldn't tell you
18 exactly what date.

19 Q. And it was after that time
20 that you first produced your draft
21 expert report to the defendants that
22 you met with the defendants' counsel
23 at this third meeting. Is that
24 right?



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 A. If you could rephrase.

2 Q. I'm just trying to get an
3 idea as to when the last meeting you
4 had with defense counsel was. You
5 said that you discussed the draft
6 report.

7 A. Uh-huh.

8 Q. So was the last meeting
9 after you provided the draft report
10 to defense counsel?

11 A. That's correct, yes.

12 Q. Do you have any sense of
13 how soon after?

14 A. Within a couple days.

15 Q. And what did you discuss at
16 that meeting?

17 A. We discussed, basically,
18 comments on the report. People --
19 you know, we realized that counsel is
20 far more familiar and has worked on
21 this case a lot longer than we had,
22 so if there was a factual statement
23 of something that they felt was
24 incorrect, we would go back to the



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 original documents and see what the
2 right answer was, that sort of thing.

3 Q. During the second meeting
4 that you had, the second face-to-face
5 meeting, which is the first one in
6 Philadelphia, you said that you
7 discussed observations that you had
8 after reviewing documents and where
9 you were going to go?

10 A. That's correct.

11 Q. What were your observations
12 at that time?

13 A. Observations initially were
14 that this was an awfully big project
15 with a very short time frame.

16 That, in order to prepare a
17 credible expert report, we would need
18 to focus on those things that we
19 thought we could truly do well in
20 that time frame, and that was using
21 all of the evidentiary material that
22 was produced to get a good
23 understanding of where -- of what and
24 when it was produced by the



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 plaintiffs and settled defendants
2 during the period of interest.

3 But to take the analysis
4 any further would not be prudent, in
5 my view.

6 Q. Because of timing; is that
7 it?

8 A. Timing and also technical
9 challenge. We hadn't formulated any
10 opinions as to whether anything
11 further could actually be done.

12 We needed to do more
13 research in order to be able to
14 determine whether that could even be
15 a possibility, and we didn't have the
16 time to do that.

17 Q. What was the outcome of
18 that meeting?

19 A. I had a very clear sense of
20 what the expert report was going to
21 consist of, what it was going to
22 focus on, as I had previously
23 mentioned, and what it was not going
24 to mention and address.



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 Q. And what was it going to
2 focus on?

3 A. It was going to focus on an
4 accurate, as accurate as we could
5 make it based on evidentiary
6 material, characterization and
7 classification of waste materials
8 produced by the plaintiffs and
9 settled defendants for the period of
10 record -- the period of interest.

11 Q. Anything else?

12 A. That was pretty much it.

13 Q. And during the second
14 meeting in Philadelphia, did you
15 discuss anything other than comments
16 to your draft report?

17 A. There was no draft report
18 at the second meeting. The second
19 Philadelphia meeting?

20 Q. Yes. Yes.

21 A. Oh, okay. In the second
22 Philadelphia meeting, we discussed
23 the logistics of producing the final
24 report and its distribution, in



James DeCrescenzo Reporting, LLC

215.564.3905

InnovatingLitigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 addition to comments on the report.

2 Q. How, physically, was the
3 expert report prepared?

4 A. Using a computer.

5 Q. And did you type the expert
6 report?

7 A. I wrote portions of it.

8 Q. And did anybody else write
9 any portions of it?

10 A. One other individual, the
11 person I mentioned previously, my
12 research assistant, Valerie Holliday
13 wrote sections of it under my
14 supervision.

15 Q. And what portions of the
16 report did you draft personally?

17 A. It was a collaborative
18 effort, so it would be impossible for
19 me to say I wrote these five words
20 and Valerie wrote these six words. I
21 wouldn't be able to tell you that.

22 Q. Who is Valerie Holliday?

23 A. Valerie Holliday is a
24 hydrogeologist who works for



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 GeoLogos, LLC.

2 Q. And how did you come to
3 work with Valerie on this project, on
4 your report?

5 A. I asked her to provide
6 assistance as a research scientist on
7 this effort, and she agreed.

8 Q. What is your relationship
9 with GeoLogos?

10 A. I have a contractual
11 relationship with GeoLogos whereby,
12 if I need services that I, as a sole
13 proprietor company, can't or choose
14 not to provide, if I need support,
15 then I can go to GeoLogos and get
16 that support.

17 Q. Do you have any ownership
18 interest in GeoLogos?

19 A. No.

20 Q. Did Valerie Holliday draft
21 the tables that are referenced in the
22 appendix in your report?

23 A. Valerie Holliday did the
24 final compilation in Excel of all of



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 the tables, because I'm not that good
2 at Excel; so we worked
3 collaboratively in pulling those
4 together, but she was the actual
5 person that created the Excel output.

6 Q. For each of the tables that
7 you created, for each plaintiff and
8 settled defendant, did you have a
9 hand in each of those, the
10 preparation of each of those tables
11 or did you divide up between you and
12 Valerie, you know, which of you were
13 going to handle which parties?

14 A. I oversaw the entire
15 preparation of the report and Valerie
16 did things at my request and
17 suggestion. She certainly provided
18 ideas and thoughts, but they had to
19 pass through me. So at the end of
20 the day, anything that was done on
21 that report was done with my approval
22 and supervision.

23 Q. And when you first asked
24 Valerie to get involved, what was it

**James DeCrescenzo Reporting, LLC**

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 that you told her that you needed
2 help in, what was it that she was
3 supposed to do?

4 A. We would be given boxes and
5 boxes of documents and that we would
6 go through them. We had joint work
7 sessions. We also had independent
8 work sessions where she would review
9 some material or I would review some
10 material, and then we would bring
11 that to a meeting, and we met a
12 number of times during the two months
13 that I prepared the report.

14 Q. Did each of you review all
15 of the documents in the boxes?

16 A. No.

17 Q. Did you go back and verify
18 information that may be prepared by
19 Valerie with respect to a particular
20 plaintiff or settled defendant?

21 A. I had her walk me through
22 the construction of the factual
23 information, the tables, the
24 summaries, at a fair level of

**James DeCrescenzo Reporting, LLC**

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 detail. We did not check every
2 single document, but we checked a
3 large percentage of them.

4 Q. And what are her
5 credentials, you said she is -- what
6 is she?

7 A. She's a hydrogeologist, has
8 a master's degree from Lehigh
9 University in geology, as well as an
10 undergraduate degree in geology from
11 Lehigh. She and I have worked on and
12 off together professionally since
13 1988.

14 Q. Who determined what
15 documents you and Valerie reviewed in
16 preparing your expert report?

17 A. That's a hard question to
18 answer. Certainly, at the first
19 level, the attorneys representing my
20 clients made that decision, because
21 they provided documentation that they
22 were given and passed it along to us.

23 However, that's not the
24 whole answer, because the documents



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 that they were given came from the
2 plaintiffs and settled defendants.

3 So, ultimately, the
4 plaintiffs -- I think the plaintiffs
5 and settled defendants made the
6 determination as to what we would
7 review, because we reviewed, as I
8 understand it, everything that was
9 made available to our clients, that
10 was relevant to this particular
11 expert report.

12 Q. And who determined whether
13 it was relevant or not, the defense
14 counsel?

15 A. I would have to say that
16 the defense counsel ultimately
17 determined whether it was relevant,
18 although there was obviously a
19 screening of documents sent to
20 defense counsel.

21 As you know, we received
22 some material from the repository,
23 the Ballard, Spahr repository at the
24 end of January, two months after this



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 report was prepared, so there are
2 still documents coming from the
3 repository that ideally we should
4 have seen before we completed this
5 report.

6 Q. So I just want to be clear
7 on this. Defense counsel originally
8 gave you some documents to look at;
9 is that correct?

10 A. They gave us probably the
11 bulk of the documents to look at.

12 Q. And then you also visited
13 the Ballard, Spahr office and
14 reviewed documents in the repository?

15 A. Valerie and I compiled a
16 list of documents based on the
17 initial document review of documents
18 that we knew existed but we didn't
19 have copies of.

20 And I honestly don't know
21 what the process was for production
22 of those documents. I don't know if
23 someone walked over here or e-mailed
24 a request or how that was handled.



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 Q. But there was a list of
2 documents that you requested through
3 the defense counsel and they got them
4 for you?

5 A. That's correct, yes.

6 Q. And were there any
7 documents that you didn't receive
8 that were on your list?

9 A. There were documents that
10 we did not receive as of the time
11 that this report was prepared.

12 Q. Do you know why you didn't
13 receive them?

14 A. I do not.

15 Q. Was the list of documents
16 something that you had typed up, was
17 it a handwritten list of documents?

18 A. I think, initially, it was
19 a handwritten list. We converted
20 that somehow to an electronic file,
21 and whether it was an e-mail or a
22 Word document at the end, I don't
23 think we sent a handwritten list over
24 to the repository, but honestly, I



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 don't know.

2 Q. When you say you sent a
3 handwritten list over to the
4 repository, do you mean you sent it
5 to defense counsel to get it from the
6 repository or you sent it to somebody
7 directly at my office?

8 A. Yes, I don't believe I said
9 that.

10 What I said was that
11 initially Valerie and I prepared a
12 list in handwriting of the documents
13 we were interested in. How that
14 ended up getting to the Ballard,
15 Spahr repository and whether it
16 stayed in handwritten form or was
17 converted to type, I don't know.

18 But there was a list, and
19 we did convey that list over to
20 somebody at Ballard, Spahr to produce
21 the documents.

22 Q. So that's what I'm asking,
23 you conveyed a list to somebody
24 directly at Ballard, Spahr or through



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 defense counsel?

2 A. I did not, no. Yes, we
3 went through defense counsel. Yes.

4 Q. Plaintiffs sent a notice to
5 defense counsel in this case
6 requesting copies of all documents
7 considered by you in preparing your
8 expert report, including draft copies
9 of your report, notes, and,
10 basically, your file.

11 Did the defense counsel ask
12 you to produce your file, do you
13 know, in response to plaintiffs'
14 request?

15 A. They did.

16 Q. And did you produce your
17 file?

18 A. We did.

19 Q. Did you produce any notes
20 that you drafted, that you created
21 while you were working on the expert
22 report?

23 A. Any draft work product
24 notes for the most part, once we were



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 finished with it and it got
2 transmitted into the expert report,
3 our work practice is to throw that
4 stuff away. It's not relevant any
5 longer.

6 So, I believe I haven't
7 seen everything that was conveyed to
8 you, but I believe there was a draft
9 report preceding this version that
10 was sent over to you, so you have a
11 copy of the draft report.

12 Q. Do you have any copies of
13 your notes today?

14 A. No.

15 Q. Do you have copies of draft
16 reports?

17 A. I do not.

18 Q. Did you destroy copies of
19 draft reports?

20 A. As we were producing them,
21 yes.

22 Q. Physically you threw them
23 out or you also destroyed them on
24 your computer?



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 A. We got rid of them on the
2 computer as well as throwing out any
3 paper. And that was just standard
4 work practice as we were producing.

5 Q. So the draft report that I
6 have, how did that survive?

7 A. I don't know. If you want
8 to show me the draft report, I can
9 talk about it, but I don't have that
10 in front of me.

11 Q. But sitting here today, you
12 are not aware of any drafts of the
13 expert report that exist?

14 A. I'm not aware of --
15 everything that we had
16 electronically, as well as in our
17 file, we produced to defense counsel
18 and they, in turn, made a production
19 to you.

20 Q. Did you review Vandeven's
21 expert report in this case?

22 A. I read it. I did not
23 critically review it. It fell
24 outside the scope of work that --



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 Q. Did you review Exner's
2 report?

3 A. I know of its existence. I
4 didn't go through it in detail.

5 Q. Did you read it at all?

6 A. I did read portions of it
7 just to get a gist of the direction
8 that he was going.

9 Q. Did you review Vandeven's
10 supplemental report?

11 A. I don't believe so. You
12 might want to clarify the Vandeven
13 report. Do you have -- I just want
14 to make sure that my recollection is
15 correct as to exactly what that is.

16 Q. I don't have a copy of it.
17 I can get you one. But it's dated
18 June the 30th, and it's the
19 plaintiffs' expert report in this
20 matter.

21 A. I believe that's the one
22 that I saw.

23 MR. COOLEY: For the
24 record, there are three plaintiffs'



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 reports in this matter.

2 MS. FLAX: I think there
3 are more than that. We have the
4 damages reports as well. It's not
5 artfully stated.

6 BY MS. TROJECKI:

7 Q. Vandeven produced two
8 reports, one dated June 30th and then
9 a supplemental report. You do recall
10 reading a report by Vandeven.
11 Correct?

12 A. I have a recollection of
13 that. But I would like to see the
14 report to confirm whether that, in
15 fact, is the report that I read, and
16 then I can tell you definitively.

17 Q. But, again, if it's the one
18 that you are thinking of, you just
19 skimmed it, you didn't review it
20 critically. Is that right?

21 A. It was not in my work scope
22 to take any other expert report and
23 do a critical review of it. So, in
24 broad brush, I may have read a



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 report, but I did not critically
2 review it or factor it into my work.

3 Q. What did you do to prepare
4 for today's deposition?

5 A. I met with counsel
6 yesterday for about an hour, hour and
7 a half. I did another read of my
8 expert report, since we had produced
9 it several months ago. I wanted to
10 try to bring the recollection fresh.
11 That's pretty much it.

12 Q. And who did you meet with
13 yesterday for that hour, hour and a
14 half?

15 A. I met with Jeff and Lynn
16 and Ed and -- who else was there?
17 Lynn's colleague, Ayana, I believe.

18 MS. HARVEY: Yes, I was
19 there.

20 THE WITNESS: Lynn, Ed, and
21 Jeff.

22 BY MS. TROJECKI:

23 Q. And what did you discuss
24 yesterday with Lynn, Ed, and Jeff?



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDRreporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 A. For the most part, what we
2 discussed was the response that we
3 had to the supplemental material that
4 was produced by the Ballard, Spahr
5 repository.

6 We had received that
7 information towards the end of
8 January and drafted modifications,
9 proposed modifications to the expert
10 report in some of the tables based on
11 the additional information that we
12 had received.

13 Counsel had not seen that
14 additional work until yesterday, and
15 we brought that to the meeting, I
16 brought that to the meeting for the
17 purpose of having a conversation
18 about it and giving counsel the
19 option to produce it to you, which I
20 believe they did.

21 Q. Anything else?

22 A. No. I think there was a
23 general discussion about the form of
24 the deposition, you know, how long it

**James DeCrescenzo Reporting, LLC**

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 might go, it would probably be all
2 day, pretty much that's it, just
3 general description of what we might
4 face, but nothing in any detail.

5 Q. Did you review any other
6 documents other than your expert
7 report in preparation for your
8 deposition today?

9 A. No. Everything that I
10 reviewed was related to the expert
11 report.

12 I may have pulled that out
13 over the last couple weeks, and I
14 know I did because of the
15 supplemental material that came in,
16 in our preparation of that, some of
17 the background documents that are
18 listed in the references section, so
19 that we could corroborate the new
20 material that we were seeing with our
21 understanding of what we had seen
22 prior.

23 Q. Did you, at any point
24 throughout your work in this matter,

**James DeCrescenzo Reporting, LLC**

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 talk with any representatives of the
2 defendants themselves? Did you speak
3 with anybody who was a representative
4 of the individual defendant clients?

5 A. To the best of my
6 knowledge, no. I believe that the
7 people that I spoke with were counsel
8 to those clients.

9 Q. Did you visit the Boarhead
10 site at any time?

11 A. I did not.

12 Q. Can you turn to Page 1-1 of
13 your report and the Report
14 Objective. We talked about this a
15 little bit earlier. I just wanted to
16 confirm or get a better sense of what
17 the objective of this report is.

18 When you say you were to
19 review and summarize available
20 information, what were you reviewing
21 and summarizing available information
22 for?

23 A. I'm not sure I understand
24 the question.



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 Q. In the last section of the
2 first paragraph under Report
3 Objectives, you say that "The
4 objective of this report was to
5 review and summarize available
6 information."

7 A. Uh-huh. Yes.

8 Q. What was the scope of that
9 review? What were you reviewing that
10 information for?

11 A. We were reviewing the
12 information to assess, during the
13 period of interest, what each of the
14 plaintiffs and settled defendants
15 generated in terms of hazardous
16 wastes, constituents that would need
17 to be taken off site for disposal,
18 based and using exclusively the
19 plaintiffs' and settled defendants'
20 own records on the matter, as well as
21 deposition testimony from previous
22 court proceedings.

23 Q. So when you say available
24 information, what you mean by that is



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 the documents that were produced from
2 the repository or deposition
3 transcripts; is that correct?

4 A. I believe that's correct;
5 however, I have no way of knowing
6 that everything that was in those
7 boxes and boxes came exclusively from
8 the repository, because I didn't
9 retrieve them from the repository. I
10 believe they came from the
11 repository.

12 Q. Did you do any independent
13 research or, you know, outside
14 research of any of the plaintiffs or
15 settled defendants to determine what
16 their waste would have been?

17 A. No, not to address that
18 issue.

19 Q. And it states that you were
20 reviewing the information related to
21 each of the plaintiff and settled
22 defendant manufacturing processes
23 along with the volume, form, and
24 nature of the resulting waste. What

**James DeCrescenzo Reporting, LLC**

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 do you mean by form of the waste?

2 A. Whether it was a gas, a
3 liquid, or a solid.

4 Q. And what do you mean by
5 nature of the waste?

6 A. Whether it was -- and,
7 again, there is some overlap here,
8 but nature of the waste would be
9 whether it was bulked or in drums.

10 Q. And when you say you
11 reviewed and summarized available
12 information, what expertise did you
13 apply in summarizing the information
14 from the documents you reviewed?

15 A. I used my expertise in
16 understanding the hazardous substance
17 list, the CERCLA hazardous substance
18 list; the classifications of
19 different types of hazardous wastes;
20 the kinds of containers and vessels
21 that typically are used for
22 transporting such material; and
23 probably other knowledge that off the
24 top of my head I can't put my hands



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 on.

2 But, I mean, it was an
3 understanding of, and years of
4 experience in dealing with, hazardous
5 wastes generated in the 1960s and
6 1970s.

7 Q. Do the wastes that are
8 referenced in your expert report from
9 the plaintiffs and the settled
10 defendants, are those wastes all
11 hazardous wastes?

12 A. It would be --

13 Q. Or did you render an
14 opinion about that?

15 A. I did not render an opinion
16 on that.

17 Q. So how did your
18 understanding the CERCLA hazardous
19 substances list, how did that help
20 you in summarizing the documents?

21 MS. WRIGHT: Objection.

22 THE WITNESS: It helped in
23 terms of understanding what was a
24 chemical waste, what was a



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 constituent. Keep in mind that the
2 EPA, through their consultants CH2M
3 HILL, conducted an investigation of
4 the Boarhead Farms site and
5 identified categories of materials
6 that had been sent there, not only in
7 terms of its form, drum, bulk, et
8 cetera, but also its composition.

9 So while we never rendered
10 an opinion with regards to whether a
11 particular molecule of waste ended up
12 at Boarhead Farms, it was important
13 to understand what the universe of
14 constituents of concern would
15 possibly be.

16 But, in the end, we were
17 looking at everything other than
18 municipal refuse in terms of the
19 categories of wastes, the stuff that
20 you typically report in a 104(e)
21 notice, that sort of thing.

22 Q. I am going to have marked
23 as Exhibit 3 a draft copy of your
24 expert report. It's attached to an

**James DeCrescenzo Reporting, LLC**

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 e-mail that is sent from Valerie
2 Holliday to defense counsel on
3 September 19th, 2006.

4 (Hochreiter Exhibit 3 was
5 marked for identification.)

6 BY MS. TROJECKI:

7 Q. I am going to ask you to
8 turn to Page 1-1 of Exhibit 3.

9 A. Okay. I just want to look
10 at the -- if you would give me a
11 minute here, I just want to see what
12 this is.

13 Q. Sure.

14 A. 1-1?

15 Q. Uh-huh. And under Section
16 1.1, Report Objectives. In Paragraph
17 B, it states that one of the report
18 objectives at the time that this
19 report was prepared was to "Indicate
20 whether the waste generated by each
21 party during the period of time of
22 interest contained hazardous
23 substances."

24 Do you see that?



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 A. Yes, I do.

2 Q. And just to clarify, that
3 was not something that you did in
4 your final expert report; is that
5 correct?

6 A. That's correct.

7 Q. Paragraph C states that you
8 were at that time to "Indicate
9 whether the hazardous substances
10 generated by each party are of the
11 same type found at the Boarhead Farms
12 site that contributed to the need for
13 remediation."

14 Do you see that?

15 A. I do.

16 Q. And was that something that
17 you ultimately did in your expert
18 report in this matter?

19 A. No, I did not.

20 Q. So you did not render an
21 opinion regarding B or C in this
22 draft report, correct?

23 A. That is correct.

24 Q. And this report also



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 discusses, this report meaning
2 Exhibit 3, the qualification of the
3 plaintiffs' and settled defendants'
4 wastes --

5 A. I'm sorry, where are you?

6 Q. Section 2.4 and 2.3 --
7 sorry, 2.4. I just want to confirm
8 that qualifying any of the
9 plaintiffs' and settled defendants'
10 wastes was not something that you did
11 or have an opinion about with respect
12 to your final expert report; is that
13 correct?

14 A. I'm not sure that I
15 understand the question.
16 Quantification or qualification?

17 Q. Qualification. Section 2.4
18 of this draft report.

19 A. Let's look at this for a
20 minute and see what we meant at that
21 time by qualification.

22 MS. FLAX: Are you
23 referring to a particular provision
24 on that page, a particular paragraph,



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 Amy, that you are directing him to
2 look at?

3 MS. TROJECKI: Section 2.4,
4 Qualification of PSD Wastes, uh-huh.

5 THE WITNESS: Okay, now I
6 can answer your question, if you
7 would restate.

8 BY MS. TROJECKI:

9 Q. Was qualifying plaintiffs'
10 and settled defendants' wastes
11 something that you ultimately did in
12 your final expert report in this
13 matter?

14 A. If by qualification we mean
15 in this draft, in Exhibit 3 on Page
16 2-5, the three numbered qualifying
17 criteria, the answer is no, we did
18 not.

19 Q. What do you believe is the
20 importance of the information in your
21 expert report, your final expert
22 report?

23 MS. WRIGHT: Objection. I
24 don't understand that.



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 THE WITNESS: I'm not sure
2 I understand it either.

3 BY MS. TROJECKI:

4 Q. Let's make sure -- let's go
5 back and lay the foundation. So the
6 scope of your expert report is to
7 summarize and review information and
8 quantify plaintiffs' and settled
9 defendants' wastes; is that correct?

10 A. Yes.

11 Q. Why do you believe that's
12 important?

13 A. I believe it's been
14 established by others, and perhaps by
15 the plaintiffs and settled defendants
16 themselves, that they contracted with
17 individuals that were involved with
18 the Boarhead Farms Superfund site for
19 the disposal of waste.

20 We were interested in
21 identifying the types of wastes,
22 quantities of wastes, that each of
23 these companies likely produced
24 during that eight-year period.



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 We did not opine as to
2 where that waste ultimately went,
3 because, quite frankly, we did not
4 have enough information and enough
5 time to be able to investigate that
6 thoroughly and to a level of comfort
7 that I would be willing to put in a
8 report.

9 So your question is why is
10 that relevant?

11 Q. Uh-huh.

12 A. You want to establish that
13 wastes were actually created by
14 entities, potential responsible
15 parties at a site before you start
16 trying to determine whether their
17 wastes actually ended up there.

18 Q. Turning to -- I want to
19 call your attention to --

20 A. The same exhibit?

21 Q. -- your expert report,
22 Section 2.2. I want to walk you
23 through your methodology.

24 A. Page or section?



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581

DEPOSITION OF JOSEPH J. HOCHREITTER, JR., 2/27/07

1 Q. Both.

2 A. Sections are small, it's
3 easy --

4 Q. Okay, let's go by section,
5 Section 2.2, Paragraph 1. What is
6 the basis of your defining the period
7 of interest as from 1969 to 1977?

8 A. That is our understanding
9 based on record documents, including
10 things like the CH2M HILL reports and
11 other documents, identifying the time
12 frame that the Boarhead Farms site
13 was used for the disposal of waste
14 material that was brought to it.

15 Q. So that is not the time
16 frame that any particular plaintiff
17 or settled defendant was in
18 operation?

19 A. It has no relevance to the
20 time period of operation of a
21 plaintiff or settled defendant, with
22 one exception, and that is that, in
23 all instances, we believed that, and
24 we had information to suggest for



James DeCrescenzo Reporting, LLC

215.564.3905

Innovating Litigation
1880 JFK Blvd., 6th Floor, Philadelphia, PA 19103
www.JDReporting.com

FAX 215.751.0581